



PATENT
Attorney Docket 044921-5055-02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Patricia D. Murphy <i>et al.</i>)	Group Art Unit: 1636
)	
Application No. 09/734,672)	Examiner: Sumesh Kaushal
)	
Filed: December 13, 2000)	Allowed: July 2, 2004
)	
For: Coding Sequences of the Human BRCA1 Gene)	Confirmation No. 6880

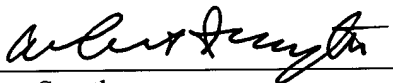
COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

In response to the Statement of Reasons for the Indication of Allowable Subject matter in the Notice of Allowability dated July 2, 2004 the following comments are submitted under 37 C.F.R. 1.104(e).

While Applicants believe that the claims are allowable and patentably distinguishable over the prior art, Applicants do not acquiesce that patentability resides in each feature, exactly as expressed in the claims, nor that each and every feature is required for patentability. Applicants submit that patentability is based on the claimed invention as a whole, and not solely on one or more particular features recited in the allowed claims.

Dated: **September 20, 2004**
Morgan, Lewis & Bockius LLP
Customer No. **09629**
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
202-739-3000

Respectfully submitted
Morgan, Lewis & Bockius LLP


Robert Smyth
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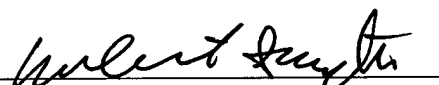
NOTIFICATION OF CHANGE OF ENTITY STATUS

Applicants hereby notify the U.S. Patent Office that the above-referenced U.S. Application is no longer entitled to small entity status and that the claim for small entity status filed in connection with this application is withdrawn.

If any additional fees are due with the filing of this Notification, the Commissioner is hereby authorized by this paper to charge such fees to Deposit Account 50-0310.

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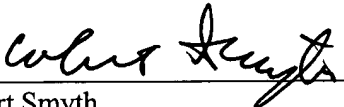
SUBMISSION OF FORMAL DRAWING

Submitted herewith is one (1) sheet of formal drawing containing Figure 1. It is respectfully requested that this drawing be approved and replace the as-filed informal drawing in the above-identified application.

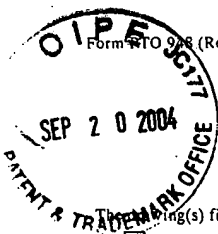
If there are any fees due in connection with the filing of this drawing, please charge the fees to our Deposit Account No. 50-310. If a fee is required for an extension of time under 37 C.F.R. 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

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Form PTO 948 (Rev. 03/01)

U.S. DEPARTMENT OF COMMERCE - Patent and Trademark Office

Application No.

09/739672

NOTICE OF DRAFTSPERSON'S
PATENT DRAWING REVIEWDrawing(s) filed (insert date) 12-13-10A. ☐ approved by the Draftsperson under 37 CFR 1.84 or 1.152.B. ☒ objected to by the Draftsperson under 37 CFR 1.84 or 1.152 for the reasons indicated below. The Examiner will require submission of new, corrected drawings when necessary. Corrected drawing must be submitted according to the instructions on the back of this notice.1. DRAWINGS. 37 CFR 1.84(a): Acceptable categories of drawings:
Black ink. Color.☐ Color drawings are not acceptable until petition is granted.

Fig(s) _____

☐ Pencil and non black ink not permitted. Fig(s) _____

2. PHOTOGRAPHS. 37 CFR 1.84(b)

☐ 1 full-tone set is required. Fig(s) _____☐ Photographs may not be mounted. 37 CFR 1.84(e)☐ Poor quality (half-tone). Fig(s) _____

3. TYPE OF PAPER. 37 CFR 1.84(c)

☐ Paper not flexible, strong, white, and durable.

Fig(s) _____

☐ Erasures, alterations, overwritings, interlineations,☐ folds, copy machine marks not accepted. Fig(s) _____☐ Mylar, velum paper is not acceptable (too thin).

Fig(s) _____

4. SIZE OF PAPER. 37 CFR 1.84(f): Acceptable sizes:

☐ 21.0 cm by 29.7 cm (DIN size A4)☐ 21.6 cm by 27.9 cm (8 1/2 x 11 inches)☐ All drawing sheets not the same size.

Sheet(s) _____

☐ Drawings sheets not an acceptable size. Fig(s) _____

5. MARGINS. 37 CFR 1.84(g): Acceptable margins:

Top 2.5 cm Left 2.5 cm Right 1.5 cm Bottom 1.0 cm

SIZE: A4 Size

Top 2.5 cm Left 2.5 cm Right 1.5 cm Bottom 1.0 cm

SIZE: 8 1/2 x 11

☐ Margins not acceptable. Fig(s) _____

Top (T) _____

Left (L) _____

Right (R) _____

Bottom (B) _____

6. VIEWS. 37 CFR 1.84(h)

REMARKER: Specification may require revision to correspond to drawing changes.

Partial views. 37 CFR 1.84(h)(2)

☐ Brackets needed to show figure as one entity.

Fig(s) _____

☐ Views not labeled separately or properly.

Fig(s) _____

☐ Enlarged view not labeled separately or properly.

Fig(s) _____

7. SECTIONAL VIEWS. 37 CFR 1.84 (h)(3)

☐ Hatching not indicated for sectional portions of an object.

Fig(s) _____

☐ Sectional designation should be noted with Arabic or

Roman numbers. Fig(s) _____

8. ARRANGEMENT OF VIEWS. 37 CFR 1.84(i)

☐ Words do not appear on a horizontal, left-to-right fashion when page is either upright or turned so that the top becomes the right side, except for graphs. Fig(s) _____

9. SCALE. 37 CFR 1.84(k)

☐ Scale not large enough to show mechanism without crowding when drawing is reduced in size to two-thirds in reproduction.

Fig(s) _____

10. CHARACTER OF LINES, NUMBERS, & LETTERS.

37 CFR 1.84(i)

☐ Lines, numbers & letters not uniformly thick and well defined, clean, durable, and black (poor line quality). Fig(s) _____

11. SHADING. 37 CFR 1.84(m)

☐ Solid black areas pale. Fig(s) _____☒ Solid black shading not permitted. Fig(s) _____☐ Shade lines, pale, rough and blurred. Fig(s) _____

12. NUMBERS, LETTERS, & REFERENCE CHARACTERS.

37 CFR 1.84(p)

☐ Numbers and reference characters not plain and legible.

Fig(s) _____

☐ Figure legends are poor. Fig(s) _____☐ Numbers and reference characters not oriented in the same direction as the view. 37 CFR 1.84(p)(1)

Fig(s) _____

☐ English alphabet not used. 37 CFR 1.84(p)(2)

Figs _____

☐ Numbers, letters and reference characters must be at least

.32 cm (1/8 inch) in height. 37 CFR 1.84(p)(3)

Fig(s) _____

13. LEAD LINES. 37 CFR 1.84(q)

☐ Lead lines cross each other. Fig(s) _____☐ Lead lines missing. Fig(s) _____

14. NUMBERING OF SHEETS OF DRAWINGS. 37 CFR 1.84(i)

☐ Sheets not numbered consecutively, and in Arabic numerals beginning with number 1. Sheet(s) _____

15. NUMBERING OF VIEWS. 37 CFR 1.84(u)

☐ Views not numbered consecutively, and in Arabic numerals, beginning with number 1. Fig(s) _____

16. CORRECTIONS. 37 CFR 1.84(w)

☐ Corrections not made from prior PTO-948

dated _____

17. DESIGN DRAWINGS. 37 CFR 1.152

☐ Surface shading shown not appropriate. Fig(s) _____☐ Solid black shading not used for color contrast.

Fig(s) _____

COMMENTS

REVIEWER BA

DATE

6-12-03

TELEPHONE NO. _____

ATTACHMENT TO PAPER NO. _____

BEST AVAILABLE COPY